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Attachment 2 - EEOC Complaint Form

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY MA

DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

San Antonio DIVISION

John F. SAUNDER

SA23CA0156 XR

(Name of plaintiff or plaintiffs)

Civil Action Number:

v.

Houston Foam Plastics

(Supplied
by Clerk's Office)

(Name of defendant or defendants)

COMPLAINT

1. This action is brought by John F. SAUNDER, Plaintiff,
pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☒ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment
Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment),
religion or national origin.
- ☒ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☒ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☐ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees
only).

2. Defendant _____ (Defendant's name) lives
at, or its business is located at _____
(street address), _____ (city), _____
(state), _____ (zip).

3a. Plaintiff sought employment from the defendant or was employed by the defendant at Houston Foam Plastic 2929 Allen (street address), (city), Houston (state), Tx 77019 (zip).

3b. At all relevant times of claim of discrimination, Defendant employed _____ (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had _____ (#) members.

4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about Feb (month) 15 (day) 22 (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: MARCH 22, 2022

5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about July (month) 26 (day) 2022 (year). (Not applicable to federal civil service employees).

6a. The E.E.O.C. issued a Notice of Right to Sue which was received by plaintiff on (month) January (day) 3, 2022 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

VERY IMPORTANT NOTE:

PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.

6b. Please indicate below if the E.E.O.C issued a Determination in your case:

☐ Yes
☐ No

VERY IMPORTANT NOTE:

IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT

7. Because of plaintiff's:

(Please select the applicable allegation(s))

☒ Race (If applicable, state race) _____

☐ Color (If applicable, state color) _____

- ☐ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim)
- ☒ Religion (If applicable, state religion) _____
- ☐ National Origin (If applicable, state national origin) _____
- ☒ Age (If applicable, state date of birth) _____
- ☐ Disability (If applicable, state disability) _____
- ☐ Prior complaint of discrimination or opposition to acts of discrimination.
(Retaliation) (If applicable, explain events of retaliation) _____

The defendant: (please select all that apply)

- ☐ failed to employ plaintiff.
- ☐ terminated plaintiff's employment.
- ☐ failed to promote plaintiff.
- ☐ harassed plaintiff.
- ☐ other (specify) _____

8a. State specifically the circumstances under which defendant, its agent, or employees discriminated against plaintiff **PERSONALLY**:

VERY IMPORTANT NOTE: INCLUDE SPECIFIC DATES, SPECIFIC EVENTS, AND ANY SPECIFIC COMMENTS MADE BY DEFENDANT PERTAINING TO THE DISCRIMINATION CLAIM ALLEGED ABOVE.

8b. List any witnesses who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

Daright McGarity & Clifford & Gunn

8c. List any documentation that would support plaintiff's allegations and explain what the documents will prove:

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

- ☐ still being committed by defendant.
☒ no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- ☐ Defendant be directed to employ plaintiff.
☐ Defendant be directed to re-employ plaintiff.
☐ Defendant be directed to promote plaintiff.
☒ Defendant be directed to Lost of wages
and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Feb 8, 2023

Date

John F. Saunders

Signature of Plaintiff

5123 Round Table

Address of Plaintiff

San Antonio TX

City

State

78218

Zip Code

Telephone Number(s)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Antonio Field Office

5410 Fredericksburg Road, Suite 200
San Antonio, TX 78229-3555
Intake Information Group: (800) 669-4000
Intake Information Group TTY: (800) 669-6820
San Antonio Direct Dial: (210) 640-7530
FAX (210) 281-2522
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS ENCLOSED

John Saunders
5123 Roundtable Dr.
San Antonio, TX 78218

RE: John Saunders vs Houston Foam Plastics – Alamo Foam
EEOC Charge No. 451-2022-01614

The United States Equal Employment Opportunity Commission (EEOC) issued the enclosed Dismissal and Notice of Rights (Notice) in the above referenced charge on the date reflected thereon. Specifically, on the date, EEOC sent you an email notification that EEOC had made a decision regarding the above-referenced charge and advised you to download a copy of the decision document from the Portal. Our records indicate you have not downloaded the Notice from the portal. For your convenience, a copy of the Notice is enclosed with this letter.

Please note that if the Charging Party wants to pursue this matter further in court, Charging Party must file a lawsuit within 90 days of the date they receive the Notice. The 90-day period for filing a private lawsuit cannot be waived, extended, or restored by the EEOC.

I hope this information is helpful. If you have questions, please contact Beverly Collins, CRTI Supervisor by telephone at 210-640-7571 or email at sanantonio.intake@eeoc.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "B.L. Collins".

B.L. Collins, Supervisory Investigator
CRTIU

January 3, 2023

Date

Enclosure: Dismissal and Notice of Rights



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

San Antonio Field Office
5410 Fredericksburg Road, Suite 200
San Antonio, TX 78229
(210) 640-7530
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS (This Notice replaces EEOC FORMS 161 & 161-A)

To: John Saunders
5123 Roundtable Drive
San Antonio, TX 78218

Charge No: 451-2022-01614

EEOC Representative and email: Maribel Rosales.
Investigator
maribel.rosales@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice. Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 451-2022-01614.

On behalf of the Commission,

DeAnna Brooks Torres

Digitally signed by DeAnna Brooks Torres
Date: 2022.12.16 14:52:30 -06'00'

Norma J. Guzman
Field Director

Cc:

HOUSTON FOAM PLASTICS, INC.
c/o Larry J. Simmons
Germer PLLC
2929 Allen Parkway, Ste. 2900
Houston, TX 77019

Please retain this notice for your records.

Enclosure with EEOC Notice of Closure and Rights (01/22)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court within 90 days of the date you *receive* this Notice. Receipt generally means the date when you (or your representative) opened this email or mail. You should keep a record of the date you received this notice. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice and within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

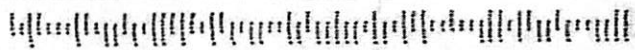
HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA Requests and Section 83 Requests, go to:
<https://www.eeoc.gov/eeoc/foia/index.cfm>.



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Handwritten notes:
6550
262 News 5A
SS 6 chavez
472
Feydel (Lust - Nov)
(10) 472

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US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
SAN ANTONIO DISTRICT OFFICE
5410 FREDERICKSBURG ROAD SUITE 200
SAN ANTONIO, TX 78229-3555

AN EQUAL OPPORTUNITY EMPLOYER

US POSTAGE
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